

# **Technical Assistance for State Performance Plan (SPP) Indicator 5: Educational Environments**

This document is organized into four sections. The first section provides definitions for key concepts involved in improving district level policies and procedures for educational environments. The second section is a list of resources, with key concepts covered by each resource noted. The third section provides technical assistance for the two data fields involved in data collection for Indicator 5. The fourth section contains the Federal regulations for educational environments.

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Note: On the electronic version of this document, direct links are provided to the resources.

## Key Concepts for Educational Environments

**Access to the general curriculum:** Access to the general education curriculum is a multi-dimensional and dynamic process that involves a combination of instructional practices and supports. Access to the general education curriculum occurs when students with disabilities are actively engaged in learning the content and skills that define the general education curriculum. This is most likely occurring when the following indicators are present:

- the general education curriculum is operationalized in terms of appropriate, standards-based instructional and learning goals for individual students with disabilities, including appropriate scope and sequence;
- appropriate research-based instructional methods and practices are being used that have a track record of helping students with disabilities learn general education content and skills;
- appropriate research-based materials and media are being used that have evidence documenting their effectiveness in helping students with disabilities learn general education content and skills;
- research-based supports and accommodations are being used that have a track record of helping students with disabilities learn general education content and skills; and
- appropriate tools and procedures are used for assessing and documenting whether students with disabilities are meeting high standards and achieving their instructional goals.

(Adapted from the Access Center)

### **Accommodations and modifications in the general education**

**classroom:** *Accommodations* are practices and procedures in the areas of presentation, response, setting, and timing/scheduling that provide equitable access in the general education environment during instruction and assessment for students with disabilities. Accommodations are intended to reduce the effects of a student's disability; they do not reduce learning expectations. The accommodations provided to a student must be the same for classroom instruction, classroom assessments, and district and state assessments. *Modifications* refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career. (Adapted from the Council of Chief State Education Officers' *Accommodations Manual*)

**Assistive technology:** Assistive technology is technology used by students with disabilities to perform functions that might otherwise be difficult or impossible in order to access the general curriculum. Assistive technology can include hardware, software, and peripherals that assist students with disabilities in accessing computers or other information technologies. For example, students with limited hand function may use a keyboard with large

keys or a special mouse to operate a computer, students who are blind may use software that reads text on the screen in a computer-generated voice, students with low vision may use software that enlarges screen content, students who are deaf may use a TTY (text telephone), students with speech impairments may use a device that speaks out loud as they enter text via a keyboard. Assistive technology can be high tech (e.g., computer-related, sophisticated electronics) or low tech (e.g., graphic organizers, visual schedules). (Adapted from WestEd: *Using Technology to Support Diverse Learners*)

**Co-teaching:** Co-Teaching is an approach for bringing the best of teacher talents together to benefit all students. Most commonly, a special education teacher and general education teacher will teach a class together. Special education students benefit by having exposure to rigorous content and high expectations. General education students benefit by having more ways to learn the content. When teachers combine their expertise in content knowledge, learning strategy, and classroom management, more students achieve at higher levels of proficiency. (Adapted from the Wayne RESA Co-teaching web page)

**Differentiated instruction:** Differentiated instruction is an approach to teaching and learning that gives students multiple options for taking in information and making sense of ideas. Differentiated instruction is based on the premise that instructional approaches should vary and be adapted in relation to the learning needs of diverse students in classrooms. Teachers need to be flexible in their approach to teaching and adjust the curriculum and presentation of information to learners rather than expecting students to modify themselves for the curriculum. (Adapted from CAST.org)

**Inclusion:** The practice of educating all or most students in general education classrooms, including students with disabilities. IDEA 2004 does not mention or mandate inclusion. However, IDEA 2004 does contain a strong presumption that students with disabilities will be educated in general education classes with appropriate aids and services, as needed, and that they will only be removed from general education if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved. (Adapted from IDEA 2004: Sec. 300.114 LRE Requirements)

**Making placement decisions in the least restrictive environment:** School districts need policies, practices and procedures in place for IEP teams to make appropriate decisions about the placement of students with disabilities in general education and special education educational environments. IDEA 2004 requires that to the maximum extent appropriate, students with disabilities are educated with students who are nondisabled; and that special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in general education

classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Adapted from IDEA 2004: Sec. 300.114 LRE Requirements)

**Positive behavior support:** Positive behavior support involves systematic proactive school-wide strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Instead of using a patchwork of individual behavioral management plans, a continuum of positive behavior support for all students within a school is implemented in areas including classroom and non-classroom settings, such as hallways, restrooms. Positive behavior support is a behaviorally-based systems approach designed to improve the capacity of schools to link research-validated practices and the environments in which teaching and learning occurs. Attention is focused on creating and sustaining school-wide, classroom, and individual systems of support that improve behavior for all students by making problem behavior less effective, efficient, and relevant, and desired behavior more functional. (Adapted from PBIS.org)

**Standards-based IEPs:** A standards-based IEP begins the discussion of present level of academic achievement and functional performance (PLAAFP) with an examination of the state's general education curriculum standards the student has achieved and concentrates on identifying the skills and knowledge the student has already acquired that will allow him/her to work toward standards for the current grade level. Then, the input from evaluations and other sources are used to identify the skills and knowledge the individual student needs to achieve the academic standards for the current or subsequent grade level. The IEP goals and objectives are the plan for bridging the gap between where the student is and where the student needs to be in relation to the state content standards. Incorporating standards into the IEP ties individual student needs to state standards and increases access to the general education curriculum. (Adapted from National Center for Learning Disabilities: *Understanding the Standards-based Individual Education Program*)

**Universal design for learning:** Universal design for learning (UDL) is a framework for providing instructional content in a variety of formats that respond to student learning differences and make the general education curriculum more accessible for students. With UDL, educators can individualize learning, while maximizing the consistency of educational goals, by developing a flexible curriculum that supports all learners. UDL also provides for delivering instruction using a variety of teaching methods. There are a variety of additional ways that UDL can be incorporated into education, including:

- Building accessibility into design
- Providing adaptable materials and media
- Using multiple media
- Providing challenging, salient, and age-appropriate materials
- Presenting information in multiple, parallel forms

(Adapted from CAST.org)

## Resources for Educational Environments

### Web Sites and Articles

#### **Urban Schools Consortium on Inclusive Practices**

[http://www.urbanschools.org/publications/consortium\\_inclusive.html](http://www.urbanschools.org/publications/consortium_inclusive.html)

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support.

#### **The Access Center: Enhancing Access to the General Curriculum for Students with Disabilities**

<http://www.k8accesscenter.org/index.php>

See especially the article: *Teaching Matters: the Link between Access to the General Curriculum and Performance on State Assessments* (MS Word Document)

<http://www.k8accesscenter.org/documents/TeachingMattersBrief.doc>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction.

#### **American Association of School Administrators: *The School***

*Administrator* September 2008 feature (5 articles):

*Creating Inclusive Schools for All Students*

<http://www.aasa.org/publications/saarticledetail.cfm?ItemNumber=10668&snItemNumber=950&tnItemNumber>

*The Only Way To Fly, Inclusively*

<http://www.aasa.org/publications/content.cfm?PreviewContentItem=51260>

*Five Keys to Co-Teaching in Inclusive Classrooms*

<http://www.aasa.org/publications/content.cfm?PreviewContentItem=51261>

*But We Already Do Inclusion, Don't We?*

<http://www.aasa.org/publications/content.cfm?PreviewContentItem=51262>

*Inclusion for Students on the Autism Spectrum*

<http://www.aasa.org/publications/saarticledetail.cfm?ItemNumber=10674&snItemNumber=&tnItemNumber=>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction.

#### **National Technical Assistance Center on Positive Behavioral Interventions and Supports**

<http://www.pbis.org/>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Positive behavior support.

**NICHCY:** *Building the Legacy: A Training Curriculum on IDEA 2004*

<http://old.nichcy.org/training/contents.asp>

See especially Module 15: *LRE Decision-making* (scroll down)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment.

**CAST: Transforming Education through Universal Design for Learning**

<http://www.cast.org/>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction; Assistive technology.

**WestEd: Using Technology to Support Diverse Learners**

<http://www.wested.org/cs/tdl/print/docs/tdl/home.htm>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Assistive technology.

**Mountain Plains Regional Resource Network:** *Connecting the IEP to the General Curriculum* (This is an article in pdf format)

<http://www.rrfcnetwork.org/images/stories/MPRRC/Products/Generic/IEP/connecting%20the%20iep%202007%20cmcb.pdf>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment.

**Council of Chief State Education Officers:** *Accommodations Manual: How to select, Administer and Evaluate the Use of Accommodations for Instruction and Assessment of Students with Disabilities*

<http://www.ccsso.org/content/pdfs/AccommodationsManual.pdf>

*Customizable training PowerPoint for accommodations manual*

<http://www.ccsso.org/content/pdfs/AccommodationsManualPP.ppt>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Differentiated instruction; Assistive technology.

**Georgia Department of Education:** *Administrator's Guide to the Instruction of Students with Disabilities in the Least Restrictive Environment*

[http://public.doe.k12.ga.us/ci\\_exceptional.aspx?PageReq=CIEXLREAdminGuide](http://public.doe.k12.ga.us/ci_exceptional.aspx?PageReq=CIEXLREAdminGuide)

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction; Assistive technology.

**New Mexico Public Education Department:** *Making Placement Decisions in the Least Restrictive Environment (Assessment and Planning Tool, and LRE Guidance Booklet)*

<http://www.ped.state.nm.us/seo/lre/index.htm>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment.

**CalSTAT: Technical Assistance and Training:** *Implementation of Programs and Services for Students with Disabilities in the Least Restrictive Environment*

<http://www.calstat.org/lremessages.html>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction; Assistive technology.

**Project Forum:** *Universal Design for Learning: Implementation in Six Local Education Agencies*

<http://www.projectforum.org/docs/UDLImplementationinSixLEAs.pdf>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Universal design for learning; Differentiated instruction.

**Project Forum:** *A Seven-Step Process to Creating Standards-Based IEPs*

<http://www.projectforum.org/docs/SevenStepProcesstoCreatingStandards-basedIEPs.pdf>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Standards-based IEPs.

**OSEP Ideas That Work:** *Tool Kit on Universal Design for Learning*

<http://www.osepideasthatwork.org/UDL/index.asp>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Universal design for learning; co-teaching; Differentiated instruction; Standards-based IEPs.

**National Center for Learning Disabilities:** *Understanding the Standards-based Individual Education Program (IEP)*

[http://www.ncld.org/images/stories/downloads/advocacy/advocates\\_guide/understandingstandards-basedieps.pdf](http://www.ncld.org/images/stories/downloads/advocacy/advocates_guide/understandingstandards-basedieps.pdf)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Standards-based IEPs.

**National Center for Learning Disabilities:** *Challenging Change: How Schools and Districts are Improving the Performance of Special Education Students*

<http://www.ncld.org/content/view/1402/322/>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction.

**West Tennessee RISE Project:** *Restructuring for Inclusive School Environments*

<https://umdrive.memphis.edu/g-coe-rise/index.html>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction.

**Urban Special Education Leadership Collaborative:**

<http://www.urbancollaborative.org>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction; Standards-based IEPs.

**West Hartford Public Schools (Connecticut):** *Special Education Program Evaluation Report* conducted for West Hartford Public Schools by the Urban Special Education Leadership Collaborative

[http://www.whps.org/WHPS%20-%20A%20Report%20of%20the%20External%20Core%20Team%20\(2\).pdf](http://www.whps.org/WHPS%20-%20A%20Report%20of%20the%20External%20Core%20Team%20(2).pdf)

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Co-teaching; Differentiated instruction; Standards-based IEPs.

## **Resources in Michigan**

**Michigan's Integrated Behavior and Learning Support Initiative (MiBLiSi)**

<http://www.cenmi.org/miblsi/Default.asp>



**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Positive behavior support; Universal design for learning; Differentiated instruction; Assistive technology.

### **Michigan Department of Education – Low Incidence Outreach (MDE-LIO)**

<http://www.cenmi.org/msdb-llo/Default.asp>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Assistive technology.

### **Michigan’s Integrated Technology Supports (MITS)**

<http://www.cenmi.org/mits/Default.asp>

See especially: *Selected Resources: Technology to Meet the Needs of Diverse Learners*

<http://www.cenmi.org/mits/ProductsView.asp?id=658>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Universal design for learning; Assistive technology.

### **Statewide Autism Resources and Training (START)**

<http://www.gvsu.edu/autismcenter/>

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment; Positive behavior support; Universal design for learning; Differentiated instruction.

### **Michigan Mathematics Program Improvement Project (MMPI)**

<http://michiganmathematics.org/>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Universal design for learning; Differentiated instruction.

### **Wayne RESA Co-Teaching Page**

<http://www.resa.net/curriculum/coteaching/>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Co-teaching; Differentiated instruction.

**Center for Educational Networking(CEN):** Focus on Results article – *Universal Education: A Framework for Educational Policy Development in Michigan*

[http://www.michigan.gov/documents/LRE04\\_110622\\_7.pdf](http://www.michigan.gov/documents/LRE04_110622_7.pdf)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Universal design for learning; Differentiated instruction.

**Reaching and Teaching Struggling Learners Initiative:**

Contacts: Leisa Gallagher- [gallagherl@michigan.gov](mailto:gallagherl@michigan.gov) and Doug McCall [McCallD@Michigan.gov](mailto:McCallD@Michigan.gov)

**Key concepts:** Access to the general curriculum; Inclusion; Accommodations and modifications in the general education classroom; Positive behavior support; Universal design for learning; Differentiated instruction.

**Michigan Board of Education Policy:** Positive Behavior Support Policy

[http://www.michigan.gov/documents/mde/Positivebehaviorsupportpolicy\\_172347\\_7.pdf](http://www.michigan.gov/documents/mde/Positivebehaviorsupportpolicy_172347_7.pdf)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Positive behavior support.

**Michigan Board of Education Policy:** *Procedures for Determining the Least Restrictive Environment in Accordance with IDEA 2004*

[http://www.michigan.gov/documents/LRE04\\_110622\\_7.pdf](http://www.michigan.gov/documents/LRE04_110622_7.pdf)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Making placement decisions in the least restrictive environment.

**Michigan Board of Education Policy:** *Universal Education Vision & Principles*

[http://www.michigan.gov/documents/UnivEdBrochureFINAL\\_incl\\_152066\\_7\\_Glossary\\_03-02-06a.pdf](http://www.michigan.gov/documents/UnivEdBrochureFINAL_incl_152066_7_Glossary_03-02-06a.pdf)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Universal design for learning; Differentiated instruction.

**Speakers on Co-Teaching (all three frequently speak in Michigan)****Dr. Marilyn Friend**

<http://www.marilynfriend.com/>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Co-teaching; Differentiated instruction.

**Dr. Richard Villa**

<http://www.ravillabayridge.com/>

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Co-teaching; Differentiated instruction.

**Dr. Rebecca Hines**

[http://education.ucf.edu/faculty\\_detail.cfm?ProfID=110](http://education.ucf.edu/faculty_detail.cfm?ProfID=110)

**Key concepts:** Access to the general curriculum; Accommodations and modifications in the general education classroom; Co-teaching; Differentiated instruction.

## Data Reporting for Educational Environments

Two fields in the Michigan Compliance Information System (MI-CIS) and Single Record Student Database (SRSD) are involved in reporting Educational Environment data: Field 44 and Field 50.

### Why correct reporting of these fields is important:

- These data impact reports to the U.S. Department of Education, Office of Special Education Programs (OSEP) under the Individuals with Disabilities Education Act of 2004 (IDEA 2004).
- These data impact related public reporting for local educational agencies
- These data are an important factor in local school district determinations.

### Field 44 (Primary Educational Setting)

In reporting data on the educational setting of each student with disabilities, please note the following:

1. The Primary Educational Setting field (Field 44 in the MICIS and the SRSD) is a measure of **WHERE** the student receives special education programs/services.

The percentage of time a student with disabilities spends inside the general education classroom should be determined by examining the amount of time the student spends inside the general education classroom on and around the December 1<sup>st</sup> student count date. Time spent within the general education classroom includes:

- a. General/special education team teaching arrangements within the general education classroom setting
- b. Other times when a provider of special education programs/services comes into the general education classroom to provide services.
- c. Times when the child is working within the general education curriculum independent of special education support.

Those responsible for reporting these data should look at the week of December 1<sup>st</sup> and report the percentage of time the student is physically in the general education classroom setting during that week. It is incorrect to determine the percentage of time a student spends inside the general education classroom by averaging over the course of a year.

2. The percentages reported in Field 44 **may be different than** the percentage of time reported in Field 40 (Section 52 FTE) or Field 41 (Section 53 FTE). **Field 44 data is not related to special education membership or the associated funding.**

3. Many students receive multiple special education programs/services in a given week. The percentage reported should represent a sum of all the time the student spends inside the general education classroom receiving general education services.
4. If a range of time is indicated on a student's IEP, please report the higher percentage of time spent inside the general education classroom. This reflects the lower percentage of time removed for special education services.

### **Field 50 (Placement in District by Another District IEP)**

Field 50 applies to center programs and cooperative agreement programs designed specifically for special education students with disabilities receiving special education programs/services and cross-district special education programs where both in-district and out-of-district students attend.

**The program's operating district is responsible for the data in this field.**

This field applies to students for whom the placement of an out-of-district student was an IEP placement decision by the resident district in cooperation with the operating district.

This field does **NOT** apply to students who moved into the district or who come into a school district by school-of-choice.

#### **Code for Field 50:**

**1** Out-of-district student/nonresident of the operating district.

**Note:** if this condition does not apply, leave blank.

Field 50 will effect a district's calculation of State Performance Plan Indicator #5 Educational Environment, #9 Disproportionality and #10 Disproportionality. When calculating the above Indicators it is important to place nonresident students who have been IEP'd into a district back to the resident district for proper analysis. In order for the operating district's calculation to be accurate nonresident students whose IEPs place them in the operating district must be properly identified. **The proper identification of the students is the responsibility of the operating district running a center or cooperative program.** Therefore, for this year's December 1, 2008 Special Education Student Count, be sure to identify students who have been IEP'd into your district center or cooperative program by using Field 50.

## **Legal Basis for Educational Environments**

The legal requirement to provide special education services in the least restrictive educational environment comes directly from the 2006 implementing regulations of IDEA 2004 which contain a strong presumption that students with disabilities will be educated in general education classes with appropriate aids and services, as needed, and that they will only be removed from general education if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved. The Michigan Department of Education is required by these regulations to monitor local school districts (including public school academies) to ensure that these regulations are implemented, and if there is evidence that a local school district or public school academy makes placements that are inconsistent with the regulations, the Michigan Department of Education must--

- (1) Review the public agency's justification for its actions; and
- (2) Assist in planning and implementing any necessary corrective action.

### **From the 2006 implementing regulations of IDEA 2004:**

#### **Least Restrictive Environment (LRE)**

##### **Sec. 300.114 LRE requirements.**

(a) General. (1) Except as provided in Sec. 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and Sec. Sec. 300.115 through 300.120.

(2) Each public agency must ensure that--

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(b) Additional requirement--State funding mechanism--(1) General.

(i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

(2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Approved by the Office of Management and Budget under control

number 1820-0030)  
(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.115 Continuum of alternative placements.**

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must--

(1) Include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.116 Placements.**

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that--

(a) The placement decision--

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including Sec. 300.114 through 300.118;

(b) The child's placement--

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.117 Nonacademic settings.**

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and

the services and activities set forth in Sec. 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.118 Children in public or private institutions.**

Except as provided in Sec. 300.149(d) (regarding agency responsibility for general supervision for some individuals in adult prisons), an SEA must ensure that Sec. 300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.119 Technical assistance and training activities.**

Each SEA must carry out activities to ensure that teachers and administrators in all public agencies--

(a) Are fully informed about their responsibilities for implementing Sec. 300.114; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.120 Monitoring activities.**

(a) The SEA must carry out activities to ensure that Sec. 300.114 is implemented by each public agency.

(b) If there is evidence that a public agency makes placements that are inconsistent with Sec. 300.114, the SEA must--

(1) Review the public agency's justification for its actions; and

(2) Assist in planning and implementing any necessary corrective action.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

**Sec. 300.320 Definition of individualized education program.**

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with Sec. Sec. 300.320 through 300.324, and that must include—

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child--

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;

(6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why--

- (A) The child cannot participate in the regular assessment; and
- (B) The particular alternate assessment selected is appropriate for the child; and

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))